



01-04-01
S. Stover
4-26-01
526 Rec'd PCT/PTO 103 JAN 2001

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Attorney Docket No. 113737.5

In re application of: Christine Gauss, Martin Horn, Markus Kalkum and Holger Eickhoff

Serial No.: 09/647,910
Filed: 10/06/00
For: APPARATUS AND METHOD FOR TAKING SAMPLES FROM POLYMER SUPPORT MATERIALS

Group Art Unit: Not Yet Assigned
Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R.

§ § 1.56, 1.97 and 1.98. The items listed on the enclosed Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. (X) Items listed on the enclosed Form PTO-1449 are not in the English language.
- (X) For each of the following items, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:

Express Mailing Label No. EL60035909045

Date of Deposit Jan. 3, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

Barbara A. BRYER
(Typed or printed name of person mailing paper)

Barbara A. Bryer
(Signature of person mailing paper or fee)

PHLEGAL: #1012066 v1 (L-WY011.WPD)

RECEIVED
MAR 2001
TC 3700 MAIL ROOM

German Utility Model No. G 9212524.7 (Reference AE) discloses a sample cutting and transport device adapted for simultaneous cutting of samples from a metallic material and for transferring the samples to a receiving station. The object of the conventional technique is an analysis of metallic materials, in particular steel.

G 9212524.7 represents technological background with regard to the sample taking technique disclosed in the present application. G 9212524.7 does not disclose the successive (separate) taking of samples.

East German Patent No. DD 50356 (Reference AF) discloses a cutting device for paper samples. The object of the cutting device disclosed in DD 50356 is an improvement of cut paper samples with respect to the precision of the cutting.

DD 50356 represents technological background with regard to the sample taking technique disclosed in the present application. DD 50356 does not disclose the successive (separate) taking of samples.

East German Patent No. DD 83659 (Reference AG) discloses a device for automatic cutting of agar samples. The cutting device (see Figure 1) contains only one cutting tool 16.

DD 83659 represents technological background with regard to the sample taking technique disclosed in the present application. It does not disclose the successive cutting of a plurality of samples and the parallel transfer of all samples to a receiving station.

German Patent No. DE 3043419 (Reference AH) discloses a device for automatic cutting of agar samples. The cutting device (see Figure 1) contains only one cutting tool.

DE 3043419 represents technological background with regard to the sample taking technique disclosed in the present application. It does not disclose the successive cutting of a plurality of samples and the parallel transfer of all samples to a receiving station.

- () For each of the following items, a concise explanation of that item is incorporated in the specification of the above-identified application:
-

- (X) For each of the following items, a corresponding U.S. or other English-language patent is enclosed. Please consider the U.S. or other English-language patent in accordance with the procedure set forth in MPEP § 609:

German Patent No. PS 19628178 (Reference AI) corresponds to U.S. Patent No. 5,770,860, submitted herewith.

2. () Any copy of the items listed on the enclosed Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted

to the Patent and Trademark office in Application Serial No. _____,
filed _____, of which the present application is a:

- ☐ Continuation application,
- ☐ Divisional application, or
- ☐ Continuation-In-Part application

filed under 37 CFR § 1.53(b) or (d).

3. ☒ Submission in Accordance with 37 CFR § 1.97(b).

This Information Disclosure Statement is being filed

- ☒ Within three months of the filing date of a national application;
- ☐ Within three months of the date of entry of the national stage in an international application; or
- ☐ Before the mailing date of a first Office action on the merits,

and NO FEE is due for consideration of this Information Disclosure Statement.

4. ☐ Submission in Accordance with 37 CFR 1.97(c).

This Information Disclosure Statement is being filed before the first mailing date of either

- ☐ A final action under § 1.113; or
- ☐ A notice of allowance under § 1.311,
- ☐ A fee is due for consideration of this Information Disclosure Statement and the fee is paid below; or
- ☐ This Information Disclosure Statement is accompanied by one of the certifications pursuant to 37 CFR § 1.97(e), and NO FEE is due for consideration of this Information Disclosure Statement.

5. ☐ Submission in Accordance with 37 CFR 1.97(d).

This Information Disclosure Statement is being filed after the mailing date of either

- () A final action under § 1.113; or
- () A notice of allowance under § 1.311,

whichever comes first, but before payment of the issue fee, and is accompanied by

- a. One of the certifications pursuant to 37 CFR § 1.97(e), which is set forth below;
- b. The attached petition requesting consideration of this Information Disclosure Statement; and
- c. The petition fee under 37 CFR § 1.17(i)(1), which is paid below.

6. Certification Pursuant to 37 CFR 1.97(e).

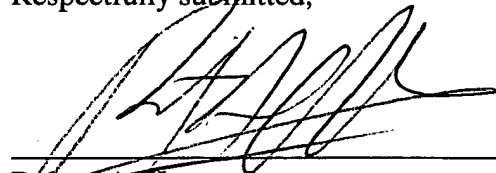
- () The undersigned certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application not more than three months prior to the filing of this Information Disclosure Statement; or
- () The undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

7. Fee Payment Being Made.

- () Enclosed
 - () \$240.00 fee for submission under 37 CFR § 1.97(c).
- () A check in the amount of \$_____ to cover the fee payment is enclosed.
- () Charge the fee to Deposit Account No. 50-0436. A duplicate copy of this communication is attached.

- (X) The Commissioner is hereby authorized to charge payment of any additional fees associated with this Information Disclosure Statement or credit any overpayment to Deposit Account No. 50-0436. A duplicate copy of this communication is enclosed.

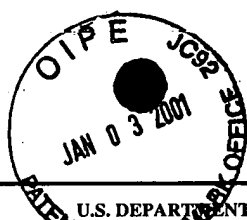
Respectfully submitted,



Robert A. Koons, Jr.

Reg. No. 32,474

PEPPER HAMILTON LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4406
Attorney for Applicant(s)



| | | | | | | | | | | | | | |
|---|--------|--|---|--------------------------------------|---|----------------------------------|---|---|-------------------------------|---------------|--|-------------|----------------------------|
| FORM PTO-1449 | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | Docket Number (Optional) 113737.5 | | Application Number 09/647,910 | | | | | | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | | | | Applicant Gauss et al. | | | | | | | | | |
| | | | | Issue/Filing Date 10/06/00 | | Group Art Unit | | | | | | | |
| U.S. PATENT DOCUMENTS | | | | | | | | | | | | | |
| Examiner Initial | Cite # | Document Number | | | | | | | Date | Name | Class | Subclass | Filing Date If Appropriate |
| | AA | 4 | 3 | 4 | 1 | 7 | 3 | 5 | 6/27/82 | Seifried | | | |
| | AB | 4 | 6 | 5 | 3 | 3 | 6 | 9 | 3/31/87 | Dunsirn | | | |
| | AC | 5 | 1 | 4 | 6 | 7 | 9 | 4 | 9/15/92 | Rising et al. | | | |
| | AD | 5 | 5 | 8 | 7 | 0 | 6 | 2 | 12/24/96 | Togawa et al. | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | | | | | | | |
| | | Document Number | | | | | | | Name of Patentee or Applicant | Country | Date of Publication of Cited Document MM-DD-YYYY | Translation | |
| | | | | | | | | | | | | Yes | No. |
| | AE | G | 9 | 2 | 1 | 2 | 5 | 2 | 4.7 Herzog Maschinenfabrik | Germany | 02/04/1993 | X | |
| | AF | D | D | 5 | 0 | 3 | 5 | 6 | Schulz, Bein, and Klingner | East Germany | 09/20/1966 | X | |
| | AG | D | D | 8 | 3 | 6 | 5 | 9 | Knoell, Steining and Stutter | East Germany | 08/05/1971 | X | |
| | AH | 3 | 0 | 4 | 3 | 4 | 1 | 9 | Bayer AG | Germany | 10/21/1982 | X | |
| | AI | 1 | 9 | 6 | 2 | 8 | 1 | 7 | 8 Bruker-Granzen Analytik | Germany | 09/18/1997 | X | |
| | AJ | 5 | 3 | 9 | 8 | 8 | 8 | | Shimadzu Corporation | Europe | 05/05/1993 | | X |
| | AK | 5 | 7 | 7 | 0 | 8 | 4 | | Shimadzu Corporation | Europe | 01/05/1994 | | X |
| | AL | 8 | 1 | 0 | 4 | 3 | 8 | | Packard Instrument Co. | Europe | 12/03/1997 | | X |
| | AM | 2 | 0 | 6 | 7 | 1 | 2 | 6 | L'Oreal | Great Britain | 07/22/1981 | | X |
| | AN | 6 | 2 | 7 | 3 | 2 | 9 | 1 | Nippon Steel Corp. | Japan | 09/30/1994 | X | |
| | AO | 6 | 2 | 7 | 3 | 2 | 9 | 2 | Nippon Steel Corp. | Japan | 09/30/1994 | X | |
| | AP | 9 | 0 | 1 | 1 | 8 | 7 | 6 | Tecflex Limited | PCT | 10/18/1990 | | X |
| | AQ | 9 | 4 | 0 | 8 | 2 | 3 | 4 | Labintelligence, Inc. | PCT | 04/14/1994 | | X |
| | AR | 9 | 5 | 2 | 3 | 9 | 6 | 0 | U.S. Government | PCT | 09/08/1995 | | X |
| | AS | 9 | 7 | 1 | 3 | 8 | 3 | 8 | U.S. Government | PCT | 04/17/1994 | | X |
| | AT | 9 | 9 | 3 | 0 | 1 | 6 | 8 | Max-Planck-Gesellschaft | PCT | 06/17/1999 | | X |
| EXAMINER | | | | | | | | | | | | | |
| Date Considered | | | | | | | | | | | | | |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO-1449)

RECEIVED
MAR-2 2001
TO 3700 MAIL ROOM